

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

In re:)	Chapter 11
)	
MERCY HOSPITAL, IOWA CITY,)	Case No. 23-00623 (TJC)
IOWA, <i>et al.</i>)	
)	(Jointly Administered)
Debtors.)	
)	

**AGREED ORDER AUTHORIZING MERCY HEALTH NETWORK, INC. TO TAKE
EXAMINATION BY DEPOSITION OF THOMAS CLANCY AND MARK TONEY
PURSUANT TO BANKRUPTCY RULE 2004**

The matter came before the Court at a telephonic hearing on June 11, 2025 regarding Mercy Health Network, Inc., d/b/a MercyOne's ("MercyOne") request to take depositions of fact witnesses pursuant to *Mercy Health Network, Inc.'s Motion for Entry of Order Authorizing Requiring the OC to Produce Records and Submit to Examination Pursuant to Bankruptcy Rule 2004* (the "Motion"); and Mercy Hospital Liquidation Trust Oversight Committee as designee of the Liquidation Trustee (the "OC") having advising the Court that it did not have a witness with knowledge to depose as requested in the Motion; and the Court having found it has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue in this district is proper pursuant to 28 U.S.C. § 1409; and the Court having already found that MercyOne met its burden and is entitled to discovery under Bankruptcy Rule 2004 in the *Order Granting in Part Mercy Health Network, Inc.'s Motion for Entry of Order Authorizing Requiring the OC to Produce Records and Submit to Examination Pursuant to Bankruptcy Rule 2004* [Docket No. 1923]; and MercyOne having advised this Court for its need of fact witness testimony of Thomas Clancy and Mark Toney; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. MercyOne is authorized to conduct oral Bankruptcy Rule 2004 examinations of Thomas Clancy and Mark Toney, which are to be completed by July 31, 2025.

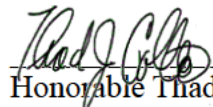
2. Counsel for MercyOne is authorized to subpoena and depose Thomas Clancy and Mark Toney pursuant to Bankruptcy Rules 2004 and 9016; provided that MercyOne shall provide appropriate notice of the depositions to the OC and its counsel. The deposition of Mr. Toney shall be conducted via Zoom or other remote means. The OC and its counsel shall be entitled to attend and participate in each of the depositions.

3. Notwithstanding any applicability of any Bankruptcy Rule, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

4. MercyOne is authorized to take all actions, and to execute all documents, necessary or appropriate, to effectuate the relief granted in this Order in accordance with the Motion.

5. The Court retains exclusive jurisdiction to hear and determine any and all disputes related to or arising from the implementation, interpretation, and enforcement of this Order.

Dated and entered this 23rd day of June, 2025.


Honorable Thad J. Collins, Chief Judge

Order prepared and submitted by:

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Trust Oversight Committee as Designee of the Liquidation Trustee*